

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

*Plaintiffs,*

v.

GREGORY W. ABBOTT, *et al.*,

*Defendants.*

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Case No. 5:21-cv-844-XR

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**PARTIALLY UNOPPOSED MOTION TO EXTEND  
DEADLINE TO DESIGNATE EXPERTS**

Pursuant to the Court's Scheduling Order and three subsequent stipulations agreeing to additional time for the dozens of consolidated Plaintiffs to file their expert designations, *see* ECF 125, 161, 209, 214, the State Defendants' deadline to file all designations of rebuttal experts is due fifteen days after receipt of the report of opposing experts. In the evening of February 28 and morning of March 1, the State Defendants received fifteen initial expert reports, with those disclosures totaling more than 900 pages, in addition to voluminous materials upon which the experts relied. Considering the unanticipated scope and breadth of the consolidated Plaintiffs' designations, the State Defendants respectfully request an extension of their deadline to designate rebuttal experts.

Specifically, the State Defendants request that the file all designations of rebuttal experts and serve on all parties the material required by Fed. R. Civ. P. 26(a)(2)(B) for such rebuttal experts, to the extent not already served, be extended to April 12, 2022. In the alternative, the State Defendants request that the deadline be extended to March 29, 2022.

The State Defendants have consulted with counsel for each of the plaintiff groups in these consolidated cases, and most agree to an extension, at least in part. Three plaintiff groups, the *LUPE* Plaintiffs, the *Mi Familia Vota* Plaintiffs, and *Houston Area Urban League* Plaintiffs (formerly the *Houston*

*Justice* Plaintiffs), indicated that they do not oppose a two-week extension. The United States indicated that it would agree to a two week extension subject to several conditions that the State Defendants cannot agree to accept.<sup>1</sup> The *LULAC* Plaintiffs and *OCA-Greater Houston* Plaintiffs did not respond to the State Defendants' request for conference.

The State Defendants seek this extension for good cause, and not for delay. The extension will not prejudice the Plaintiffs, is appropriate considering the complexity, scope, and breadth of the reports provided. Providing additional time is necessary to permit the State Defendants to evaluate the numerous reports and marshal resources as necessary to respond. It is also consistent with the three previous extensions the parties have sought regarding expert disclosures. *See* ECF 161, 209, 214.

For these reasons, the State Defendants respectfully request that the Court grant their motion and extend their deadline to designate rebuttal experts up to and including April 12, or in the alternative to March 29.

Date: March 3, 2022

Respectfully submitted.

KEN PAXTON  
Attorney General of Texas

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**COUNSEL FOR STATE DEFENDANTS**

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<sup>1</sup> The United States' proposed conditions are as follows: (1) That all parties agree not to seek general extensions of the May 13 close of discovery, although the parties may seek specified extensions based on particularized circumstances; (2) that all parties agree not to seek extensions of the May 27 dispositive motion deadline and July 5 trial date; and (3) that all parties agree to provide notice by April 15 of any expert who may provide an updated expert report pursuant to Rule 26(e) by the April 29 deadline established in the Scheduling Order. The State Defendants cannot agree to these conditions at this time. Nor can the State Defendants speak on behalf of the other parties to this case.

### **CERTIFICATE OF CONFERENCE**

I certify that on March 2, 2022, I requested to confer with counsel for plaintiffs about the foregoing motion. The *LUPE* Plaintiffs, *Mi Familia Vota* Plaintiffs, and *Houston Area Urban League* Plaintiffs indicated that they do not oppose a two week extension. The United States indicated that it would agree to a two week extension subject to several conditions that the State Defendants cannot accept. The *LULAC* Plaintiffs and the *OCA-Greater Houston* Plaintiffs did not respond to the State Defendants' request for conference.

/s/ Patrick K. Sweeten

PATRICK K. SWEETEN

### **CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on March 4, 2022, and that all counsel of record were served by CM/ECF.

/s/ Patrick K. Sweeten

PATRICK K. SWEETEN